

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION  
of the 109<sup>th</sup> Congress<sup>1</sup>**

[Date approved: October 10, 2006]<sup>2</sup>

**Bill No. and sponsor:** S. 3154 (Mr. Saxby Chambliss of Georgia).

**Proponent name, location:** The Home Depot, Atlanta, GA.

**Other bills on product (109<sup>th</sup> Congress only):** None.

**Nature of bill:** Temporary duty suspension through December 31, 2009.

**Retroactive effect:** None.

**Suggested article description(s) for enactment (including appropriate HTS subheading(s)):**

Fiber-reinforced vinyl garden water hoses with an inner layer of polyvinyl chloride, constructed with 3 to 8 plies, from approximately 15 to 46 m in length, with a nominal burst pressure of less than 27.6 megapascals (MPa) and under 42.2 MPa gauge<sup>3</sup> (provided for in subheading 3917.39.00).

**Check one:**      Same as that in bill as introduced.  
                   Different from that in bill as introduced (see Technical comments section).

**Product information, including uses/applications and source(s) of imports:**

The product of interest to proponent is a fiber reinforced vinyl garden water hose of various colors typically having a co-extruded inner lining of polyvinyl chloride (PVC). This product is equipped with female and male fittings suitable for the attachment to standard faucets and nozzles, and typically has an inside diameter of 5/8 inches. The inside diameter of reinforced vinyl garden water hoses, however, may range from 1/2 to 3/4 inches. Reinforced vinyl garden water hoses are commonly manufactured in variable increments of 25 feet, ranging up to 150 feet in length; the proponent seeks to cover those from 50 to 150 feet in length. The 150 foot version is usually manufactured for mounting onto a reel. These hoses come in several different plies ranging from about 3-ply to 8-ply depending upon the minimum burst pressure. Burst pressures usually vary from about 100 psig to 500 psig. These hoses can be linked together to produce variable lengths. Common uses are for watering garden and other plants and for watering turf grasses. The proponent imports medium purpose (3-ply, 300 psig burst pressure) 5/8 inch reinforced vinyl garden water hoses from China and Taiwan made from virgin materials.

<sup>1</sup> Industry analyst preparing report: Ray Cantrell (202-205-3362); Tariff Affairs contact: Jan Summers (202-205-2605).

<sup>2</sup> Access to an electronic copy of this memorandum is available at [http://usitc.gov/tata/hts/other/rel\\_doc/bill\\_reports/index.htm](http://usitc.gov/tata/hts/other/rel_doc/bill_reports/index.htm).

<sup>3</sup> One megapascal = 145 pounds per square inch (psi).

**Estimated effect on customs revenue:**

<b>HTS subheading: 3917.39.00</b>					
	2006	2007	2008	2009	2010
Col. 1-General rate of duty	3.1%	3.1%	3.1%	3.1%	3.1%
Estimated value <i>dutiable</i> imports	\$28,000,000	\$28,000,000	\$28,000,000	\$28,000,000	\$28,000,000
Customs revenue loss	\$868,000	\$868,000	\$868,000	\$868,000	\$868,000

Source of estimated dutiable import data: Commission and industry estimates. Import and revenue loss data for the bill as introduced would likely be lower; specific data are not available.

**Contacts with domestic firms/organizations (including the proponent):**

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
The Home Depot (Proponent) Mr. Zachary W. Paulsen, 202-626-5921	07/26/2002	Yes	No	No
Bayer Corporation Ms. Karen Niedermeyer, 412-777-2058	07/26/2006	No	No	No
Colorite Plastics Company (Tekni-plex/Swan) Mr. George Pomianek, 800-800-4673 Mr. Jay Klein, 800-800-4673	07/31/2006	Yes	Yes	Yes
Flexon Industries Mr. David Rauch, 973-824-5530	07/31/2006	Yes	Yes	Yes
Gilmour Gardening Innovations Ms. Tammi Baker, 800-458-0107 Ms. Tmara Shaffer, 800-458-0107 Mr. Ron Kreger, 800-458-0107	07/27/2006	Yes	Yes	Yes
Goodyear Mr. Tim Toppen, 330-796-5003 Ms. Isabel Jasinowski, 202-682-9250	07/31/2006	Yes	No	No
LANXESS Corporation Ms. Jamie Schaeffer, 412-809-3666	07/26/2006	No	No	No
Sears Corporate Office Ms. Autumn Lintz, 847-286-2500	07/29/2006	No	No	No
Target Stores Ms. Toni Dembski, 612-696-2573 Ms. Holly McFarland, 612-696-0574	07/18/2006	Yes	No	No

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Teknor Apex Company Mr. Jack McGraf, 800-289-6786; ex 3823 Mr. Fred Paretta, 800-289-6786; ex 3228	07/27/2006	Yes	Yes	Yes
Wal-Mart Stores, Inc. Mr. Tres Bailey, 202-737-2806 Mr. Mark Haney, 202-216-9307	07/18/2006	No	No	No

**Technical comments:<sup>4</sup>**

It is suggested that the proposed article description be modified as shown on page 1. The units of measurement set forth in the bill as drafted must be stated using their metric equivalents, because the HTS is written in metric units of measure. The bill as written refers to a minimum burst pressure of 27.6 megapascals (MPa) spray nozzle. A high pressure hose of this specification (about 4,000 psig minimum) is outside of the scope of standard reinforced vinyl garden water hoses believed to be classified under HTS subheading 3917.39.00 and having nominal burst pressures in the 100 to 500 psig range.

Customs officials have indicated that, to simplify administration of the bill, it would be helpful to cover a range of lengths rather than 2 particular lengths only in order to reflect the variety of goods and shipping arrangements Customs sees, and we have reflected this request in the modified article description and in the data set forth in the report. Customs has also indicated that it is difficult to ascertain if the materials used in making a hose are new rather than recycled materials, and thus it is suggested that this criterion be omitted.<sup>5</sup>

<sup>4</sup> The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

<sup>5</sup> Staff interview with Ms. Joan Mazzola, National Import Specialist, U.S. Customs and Border Protection, New York, NY, July 31, 2006.

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3154

To suspend temporarily the duty on garden hoses measuring 150 feet or 50 feet in length, manufactured from non-recycled materials, having polyvinyl chloride interior tubing, and having a minimum burst pressure of 27.6 MPa spray nozzle.

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IN THE SENATE OF THE UNITED STATES

MAY 25, 2006

Mr. CHAMBLISS introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To suspend temporarily the duty on garden hoses measuring 150 feet or 50 feet in length, manufactured from non-recycled materials, having polyvinyl chloride interior tubing, and having a minimum burst pressure of 27.6 MPa spray nozzle.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. GARDEN HOSES MEASURING 150 FEET OR 50**  
 2 **FEET IN LENGTH, MANUFACTURED FROM**  
 3 **NON-RECYCLED MATERIALS, HAVING POLY-**  
 4 **VINYL CHLORIDE INTERIOR TUBING, AND**  
 5 **HAVING A MINIMUM BURST PRESSURE OF**  
 6 **27.6 MPA SPRAY NOZZLE.**

7 (a) IN GENERAL.—Subchapter II of chapter 99 of  
 8 the Harmonized Tariff Schedule of the United States is  
 9 amended by inserting in numerical sequence the following  
 10 new heading:

“	9902.39.17	Garden hoses measuring 150 feet or 50 feet in length, manufactured from non-recycled materials, having polyvinyl chloride interior tubing, and having a minimum burst pressure of 27.6 MPa spray nozzle (provided for in subheading 3917.39.00) .....	Free	No change	No change	On or before 12/31/2009	”.
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11 (b) EFFECTIVE DATE.—The amendment made by  
 12 subsection (a) applies to goods entered, or withdrawn from  
 13 warehouse for consumption, on or after the 15th day after  
 14 the date of the enactment of this Act.

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